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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA TOW TRUCK
ASSOCIATION,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO
and DOES 1-50,

Defendants.

Case No. C10-03184 CRB

**STIPULATED APPLICATION TO CONTINUE
HEARING ON PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT; ORDER**

Hearing Date: February 8, 2013
Time: 10:00 a.m.
Judge/Place: The Honorable Charles R. Breyer
Courtroom 6, 17th Floor

Date Action Filed: July 12, 2010
Trial Date: None Set

STIPULATED APPLICATION

The parties jointly submit this ex parte application for a continuance of the hearing on Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment, which is presently scheduled for February 8, 2013. The purpose of this application is to accommodate undersigned counsel for the City, who is presently operating under a tight deadline to prepare the brief for the City and County of San Francisco in *Hollingsworth v. Perry*, United States Supreme Court Case No. 12-144, involving the constitutionality of Proposition 8 (California's ban on marriage by same-sex couples).

The parties respectfully request that the hearing on the cross-motions be continued to Friday, February 22, 2013, or a subsequent date convenient to the Court.

IT IS SO STIPULATED:

Dated: February 5, 2013

DENNIS J. HERRERA
City Attorney
VINCE CHHABRIA
Deputy City Attorney

By: s/Vince Chhabria
VINCE CHHABRIA
Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

Dated: February 5, 2013

LAW OFFICES OF BROOKS ELLISON

By: **s/Patrick Whalen
PATRICK J. WHALEN
Attorneys for Plaintiff
CALIFORNIA TOW TRUCK ASSOCIATION

**pursuant to GO 45, the electronic signatory has obtained approval from this signatory.

ORDER

The hearing for Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment is continued to Friday, February 22, 2013, at 10:00 a.m.

Dated: February 5, 2013

